

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief filed May 17, 2010, with respect to claims 1 and 3 have been fully considered and are persuasive. The rejection of claims 1 and 3 has been withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald Kubovcik on April 7, 2011.

The application has been amended as follows:

On page 7, par. 0015, line 20 of the Specification as filed, "Fig. 1" is amended to "Fig. 1(a)-(c)".

On page 8, par. 0015, line 9 of the Specification as filed, "Fig. 5" is amended to "Fig. 5(a)-(c)".

On page 8, par. 0015, line 13 of the Specification as filed, "Fig. 6" is amended to "Fig. 6(a)-(b)".

On page 8, par. 0015, line 17 of the Specification as filed, "Fig. 7" is amended to "Fig. 7(a)-(b)".

On page 8, par. 0015, line 21 of the Specification as filed, "Fig. 8" is amended to "Fig. 8(a)-(c)".

Allowable Subject Matter

3. Claims 1 and 3 are allowed over the prior art of record.
4. The following is an examiner's statement of reasons for allowance: the claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed devices and methods.
5. The closest prior art of record is Reinhard et al. (US 6331174).
6. Regarding claims 1 and 3, Reinhard et al. fails to teach among all the limitations or render obvious the claimed prefilled syringe comprising the elements as claimed including an intermediate layer composed of specifically at least one layer made of resin as claimed and a luer tip as claimed, in combination with the total elements claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN R. PRICE whose telephone number is (571)270-5421. The examiner can normally be reached on Monday-Thursday, 9:00 a.m. - 5:00 p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. P./
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art
Unit 3763